



City of Seattle

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**Department of Planning and Development**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3011145  
**Applicant Name:** Jennifer Taylor for Clearwire  
**Address of Proposal:** 505 NE 70<sup>th</sup> Street

**SUMMARY OF PROPOSED ACTION**

Land Use Application to expand a minor communication utility (Clearwire) consisting of two panel antennas located on the rooftop penthouse of an existing multifamily structure (Green Lake Plaza). Existing minor communication utility to remain.

The following approvals are required:

**Administrative Conditional Use** - to allow a minor communication utility in a Lowrise 3 (L3) zone.

**SEPA - Environmental Determination** - Seattle Municipal Code (SMC) 25.05

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or  
another agency with jurisdiction.

**BACKGROUND INFORMATION**

**Site and Vicinity Description**

The site is located three blocks east of Green Lake in a Lowrise 3 (L3) zone. The east property line of the site is adjacent to Interstate 5. The site is relatively level and is developed with an eleven story apartment building which is taller than most of the structures in the immediate vicinity.

### Adjacent Zoning and Uses

Development in the vicinity consists of a mixture of multifamily and commercial structures in the Neighborhood Commercial 2 65' Pedestrian zone to the northwest of the site. The former Vitamilk Dairy site is located one block to the northwest of the site as well. The Lowrise 3 zoned area south of the site consists primarily of multifamily structures and some townhouses. Interstate 5 carries a heavy volume of north/south traffic to the east of the site. There is a landscaped buffer in the freeway right-of-way between the freeway and the site.

### Proposal Description

Clearwire proposes to add two panel antennas to the existing telecommunication facility located on the rooftop of an existing eleven story building. The addition of antennas does not increase the height of the building or wireless facility. The antennas will be mounted inside screens that are integrated into the look of the building.

Clearwire proposes to modify an existing telecommunication facility by adding two panel antennas to the existing rooftop minor telecommunications facility. Two panel antennas would be added and each antenna has dimension of 48 inches long and 13 inches wide. One new antenna will be located inside an existing screening structure. The second antenna will be located within a new screening structure designed and painted to match the building and elevator penthouse to which it is attached. The facility is serviced once a month. One or two employees are on site for an average of four hours of maintenance checks. This check is typically for preventive maintenance purposes. In the event of a problem, a crew is dispatched to the site immediately.

The proposed telecomm facility is adequately setback from residential uses in the vicinity and is adequately separated from the building's outdoor residential amenities reserved for the building occupants. Only the appropriate personnel will be able to access the telecomm equipment.

### Public Comments

The public comment period for this project ended June 30, 2010 and no written comments were received regarding this proposal.

## **ADMINISTRATIVE CONDITIONAL USE CRITERIA AND ANALYSIS**

Section 23.57.011B of the Seattle Municipal Code (SMC) provides that a minor communication utility may be permitted in a Multi-Family zone as an Administrative Conditional Use subject to the requirements and conditioning considerations of this Section enumerated below.

- 1. The project shall not be substantially detrimental to the residential character of nearby residentially zoned areas, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.*

The project will not displace any residential units since it is located on the building's rooftop. The facility will not be materially detrimental to the residential character of nearby residential properties nor residentially zoned areas. The building roof is 129 feet high which is above the permitted height in the Lowrise 3 zone. Clearwire radio frequency (RF) engineers determined during the original installation of the site that a lower elevation would not provide the same level of effective functioning due to blockages by nearby buildings, trees, and topography. A letter from the engineer was submitted with the application. The proposed minor communication utility will have minimal impact on the appearance of the existing building. By installing one antenna within screening at an existing site, installing a second antenna with new screening matching the existing screens and painted to match the color of the building, the visual impact is minimized in comparison to installing a second facility in the neighborhood and will be setback more than ten feet from the edge of the roof. The existing Clearwire equipment cabinet will remain concealed underneath an existing elevator penthouse overhang anchored directly to the elevator penthouse wall. The equipment cabinet will be placed in the middle of the building's flat roof, and because of the building's greater height than the surrounding structures, will not be visible from the public streets or neighboring buildings. This is the least intrusive location that will effectively provide service. The existing structures, including antenna, microwave dishes, and quad antennas will remain.

The proposed minor communication utility is not likely to result in substantially detrimental compatibility impacts to the existing neighborhood. Neighbors and tenants of the host building will not likely know the facility exists, in terms of its land use, once it is installed, and data transmission coverage in the area will be improved which will likely be beneficial to many residents and visitors to the neighborhood.

Traffic will not be affected by the presence of the constructed facility. The antennas will not emit noise, and any noise associated with the equipment cabinet will be shielded by its placement near the center of the roof.

2. *The visual impacts that are addressed in Section 23.57.016 shall be mitigated to the greatest extent practicable.*

According to the plans submitted, the proposed antennas and equipment cabinet will not be visible from the street level. The location near the center of the rooftop will be as inconspicuous as possible for nearby residences, within the parameters of the SMC, while remaining functionally effective. Therefore, the proposal complies with this criterion, as detailed below.

*23.57.016 Visual Impacts and Design Standards:*

- A. *Telecommunication facilities shall be integrated with the design of the building to provide an appearance as compatible as possible with the structure. Telecommunication facilities, or methods to screen or conceal facilities, shall result in a cohesive relationship with the key architectural elements of the building.*

The antennas will be screened and painted to match and blend in with the building. The existing Clearwire equipment cabinet will remain concealed underneath an existing elevator penthouse overhang anchored directly to the elevator penthouse wall. Due to its relatively low profile and placement, it will not be visible from surrounding properties or public right-of-way. All of the power and communication cabling will not be visible from neighboring properties or public rights-of-way. Therefore, the proposal complies with this criterion.

- B. If mounted on a pitched roof, facilities shall be screened by materials that maintain the pitch of the roof, matching color and texture as closely as possible, or integrated with and enclosed within structures such as dormers or gables compatible with the roof design.*

Not applicable. The entire roof is flat.

- C. If mounted on a flat roof, screening shall extend to the top of communication facilities except that whip antennas may extend above the screen as long as mounting structures are screened. Said screening shall be integrated with architectural design, material, shape and color. Facilities in a separate screened enclosure shall be located near the center of the roof, if technically feasible. Facilities not in a separate screened enclosure shall be mounted flat against existing stair and elevator penthouses or mechanical equipment enclosures shall be no taller than such structures.*

Antennas for any wireless provider must have an interrupted path above the roof. This can be accomplished by mounting the antennas high enough such that the bottom of the antenna can see over the edge of the roof edge. This allows the antennas to be tilted downward to reach the intended coverage objective, the nearby commercial and residential users. Larger and wider buildings require that the antennas be mounted either considerably above the roof if located at the center of the building, or near the roof edge. Clearwire is able to minimize to the greatest extent possible their respective antenna heights by locating them on the roof. The existing Clearwire equipment cabinet will remain concealed underneath an existing elevator penthouse overhang anchored directly to the elevator penthouse wall.

- D. Facilities that are side-mounted on buildings shall be integrated with architectural elements such as window design or building decorative features, or screened by siding or other materials matching the building exterior, or otherwise be integrated with design, material, shape, and color so as to not be visibly distinctive. In general, antennas shall be as unobtrusive as practicable, including the use of non-reflective materials. Installations on the primary building façade shall be allowed only if roof, ground-mounted, or secondary façade mounted installation is technically unfeasible.*

No facilities will be located on the exterior building walls or parapets. All equipment and antennas will be located on the roof of the building.

- E. Satellite dishes that are not located on freestanding transmission towers shall be screened to the top of the dish on at least three (3) sides and shall be enclosed in the direction of the signal to the elevation allowed by the azimuth of the antenna.*

*If screening on the remaining side is not to the top of the antenna, the antenna and the inside and outside of the screen shall be painted the same color to minimize visibility and mask the contrasting shape of the dish with building or landscape elements.*

No satellite dishes are proposed; only the existing microwave dishes are located on the rooftop.

- F. New antennas shall be consolidated with existing antennas and mechanical equipment unless the new antennas can be better obscured or integrated with the design of other parts of the building.*

Clearwire has not chosen to integrate their antennas and equipment with the existing communication facilities on the roof of the building. The existing antennas and the large microwave reflector unit all project above the roof and/or are installed on the existing penthouses. These facilities are far more visible than the antenna facilities proposed by Clearwire.

- G. Antennas mounted on a permitted accessory structure, such as a free standing sign, shall be integrated with design, material, shape and color and shall not be visibly distinctive from the structure.*

Not applicable. All facilities are proposed on the primary structure.

- H. A screen for a ground-mounted dish antenna shall be a minimum six (6) feet tall and shall extend to the top of the dish. The screen may be in the form of a view-obscuring fence, wall or hedge that shall be maintained in good condition. Chain link, plastic or vinyl fencing/screening is prohibited.*

Not applicable. No ground-mounted dish antennas are proposed.

- I. Antennas attached to a public facility, such as a water tank, shall be integrated with the design, material, shape and color of, and shall not be visibly distinctive from, the public facility. Antennas attached to City-owned poles shall follow the terms and conditions contained in Section 15.32.300.*

Not applicable. The subject structure is not a public facility or a utility pole.

- J. Freestanding transmission towers shall minimize external projections from the support structure to reduce visual impacts and to the extent feasible shall integrate antennas in a screening structure with the same dimensions as external dimensions of the support structure, or shall mount antennas with as little project from the structure as feasible. External conduits, climbing structures, fittings, and other projections from the external face of the support structure shall be minimized to the extent feasible.*

Not applicable. The subject structure is not a freestanding transmission tower.

*K. The standards set forth in this Section 23.57.016 may be varied as follows:*

No variance is required.

## **SUMMARY**

The proposed project is consistent with the Administrative Conditional Use criteria of the City of Seattle Municipal Code as it applies to minor communication utilities. The facility is minor in nature and will not be substantially detrimental to the surrounding area while providing needed and beneficial wireless communications service to the area.

## **DECISION - ADMINISTRATIVE CONDITIONAL USE**

The Administrative Conditional Use application is **GRANTED**.

## **SEPA ANALYSIS**

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and Seattle's SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated June 2, 2010. The information in the checklist, any supplemental information provided by the applicant and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### **Short-term Impacts**

The following temporary or construction-related impacts are expected; decreased air quality due to hydrocarbon emissions from construction vehicles and equipment; increased noise; increases in carbon dioxide and other greenhouse gas emissions and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The building code provides for construction measures and life safety issues. Compliance with these

applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

### Air

Greenhouse gas emissions associated with development come from multiple sources; the extraction, processing, transportation, construction and disposal of materials and landscape disturbance (Embodied Emissions); energy demands created by the development after it is completed (Energy Emissions); and transportation demands created by the development after it is completed (Transportation Emissions). Short term impacts generated from the embodied emissions results in increases in carbon dioxide and other green house gases thereby impacting air quality and contributing to climate change and global warming. While these impacts are adverse they are not expected to be significant. The other types of emissions are considered under the use-related impacts discussed later in this document. SEPA conditioning is not necessary to mitigate air quality impacts pursuant to SEPA policy SMC 25.05.675.A.

### Construction and Noise Impacts

Codes and development regulations applicable to this proposal will provide sufficient mitigation for most impacts. The construction of the “doghouse” and stair penthouse extension may include loud equipment and activities. This construction activity may have an adverse impact on nearby residences. Due to the close proximity of nearby residences, the Department finds that the limitations of the Noise Ordinance are inadequate to appropriately mitigate the adverse noise impacts associated with the proposal. The SEPA Construction Impact policies, (SMC 25.05.675.B) allow the Director to limit the hours of construction to mitigate adverse noise and other construction-related impacts. Therefore, the proposal is conditioned to limit construction activity to non-holiday weekday hours between 7:30 a.m. and 6:00 p.m.

### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: greenhouse gas emissions and environmental health.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies.

### Greenhouse Gas Emissions and other Impacts

Emissions from the generation of greenhouse gases due to the increased energy and transportation demands may be adverse but are not expected to be significant due to the relatively minor contribution of emissions from this specific project. The other impacts such as but not limited to, increased ambient noise, and increased demand on public services and utilities are mitigated by codes and are not sufficiently adverse to warrant further mitigation by condition.

### Environmental Health

The Federal Communications Commission (FCC) has pre-empted state and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions. As such, no mitigation measures are warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The applicant has submitted a "Statement of Federal Communication Commission Compliance for Personal Wireless Service Facility" and an accompanying "Affidavit of Qualification and Certification" for this proposed facility giving the calculations of radiofrequency power density at roof and ground levels expected from this proposal and attesting to the qualifications of the Professional Engineer who made this assessment. This complies with the Seattle Municipal Code Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. The City of Seattle, in conjunction with Seattle King County Department of Public Health, has determined that Personal Communication Systems (PCS) operate at frequencies far below the Maximum Permissible Exposure standards established by the Federal Communications Commission (FCC) and therefore, does not warrant any conditioning to mitigate for adverse impacts.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2C.
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

### **CONDITIONS - SEPA**

#### During Construction

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. As more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.



1. In order to further mitigate the noise impacts during construction, the hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work. This condition may also be modified to permit low noise exterior work after approval from the Land Use Planner.

**ADMINISTRATIVE CONDITIONAL USE CONDITIONS**

None.

Signature: \_\_\_\_\_ (signature on file) Date: October 4, 2010  
Malli Anderson, Land Use Planner  
Department of Planning and Development

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